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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Willy A. Flegel and Franz F.
Wagner

Art Unit : 1644
Examiner : Phuong Huynh, Ph.D.

Serial No. : 09/600,714

Filed : October 4, 2000

Title : NOVEL NUCLEIC ACID MOLECULES CORRELATED WITH THE RHESUS
WEAK D PHENOTYPE

TECH CENTER 1600/2000

Box Sequence
Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE AND/OR AMINO ACID SEQUENCES

Sir:

Enclosed for filing in the above-referenced patent application is a response to a Notice to Comply with Sequence Rules under 37 CFR §§1.821 to 1.825. Applicants respectfully request consideration of the remarks and Sequence Listing set forth herein. The Notice to Comply was mailed December 04, 2000. Accordingly, this response is timely filed.

AMENDMENT

Responsive to the communication dated December 4, 2000, Applicants respectfully request entry of the following amendments.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

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BURCAN IAN CLARK
Signature

BURCAN IAN CLARK
Typed or Printed Name of Person Signing Certificate



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
097500-714	10704/00	FEEGEL	12086-002001

FISH & RICHARDSON
SUITE 500
4350 LA JOLLA VILLAGE DRIVE
SAN DIEGO, CA 92122

HM11/1204

EXAMINER HUYNH, P.	
ART UNIT 1644	PAPER NUMBER

DATE MAILED:

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TECH CENTER 1600/2900

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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DEC 11 2000
FISH & RICHARDSON P.C.
LA JOLLA, CA

Docketed By Practice Systems	
Action Code:	Seq List 1M
Base Date:	12-4-00
Due Date:	1-4-01
Deadline:	6-4-01
Initial:	JRG

Docketed By Billing Secretary	
Due Date:	1-4-01
Deadline:	6-4-01
Initials:	clg



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
Phuong N. Huynh	
ART UNIT	PAPER NUMBER
1644	15

DATE MAILED:

JAN 09 2001

TECH CENTER 1001/2000

Please find below a communication from the EXAMINER in charge of this application

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Applicant is reminded to amend the specification and the claims to specify SEQ ID NOS. , if appropriate.

APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication should be directed to Examiner **Phuong Huynh**, Art Unit **1644**, whose telephone number is **703-308-4844**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

Phuong Huynh, Ph.D.
Patent Examiner
Art Unit 1644
November 27, 2000

PHILLIP GAMBEL
PHILLIP GAMBEL, PH.D.
PRIMARY EXAMINER
TECH CENTER 1600
11/30/00

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):



- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support (SIRA)

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Wagner

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STATEMENT UNDER 37 CFR §§1.821(f) AND (g)

I hereby state, as required by 37 C.F.R. §1.821(f), that the content of the paper and computer-readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. §§1.821(c) and (e), respectively, are the same.

I hereby state, as required by 37 C.F.R. §1.821(g), that the enclosed submission include no new matter.

Respectfully submitted,

Date: Jan. 03, 2001

Fish & Richardson P.C.
4350 La Jolla Village Drive, Suite 500
San Diego, CA 92122
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

Gregory P. Einhorn
Gregory P. Einhorn
Reg. No. 38,440

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

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Date of Deposit
Duncan Ian Clark
Signature

DUNCAN IAN CLARK
Typed or Printed Name of Person Signing Certificate



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VERIFIED STATEMENT UNDER 37 CFR §1.821(f)

I, Duncan I. Clark, declare that I personally prepared the paper and the computer-readable copy of the Sequence Listing filed herewith for the above-identified application and that the content of both is the same.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of The United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 01/02/00

Duncan I. Clark
Duncan I. Clark

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10065078.doc

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